

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
COMMONWEALTH OF VIRGINIA,)
)
)
) CIVIL ACTION NO: 3:12cv059-JAG
Defendants,)
)
and)
)
PEGGY WOOD, *et al.*)
)
Intervenor-Defendants.)
)
)

)

UNITED STATES' MOTION IN LIMINE TO EXCLUDE EVIDENCE

Plaintiff, the United States, hereby moves the Court *in limine* for an order excluding evidence offered to show compliance with the Court-ordered Settlement Agreement, ECF No. 112, that does not comply with the processes set out for determining compliance and achieving termination in that Court-ordered Settlement Agreement. The Settlement Agreement sets out specific processes for demonstrating compliance and for partial termination that were agreed upon by the parties and ordered by the Court, and that must control at the instant hearing.

Specifically, the United States requests that the Court:

1. Prohibit the introduction or use of evidence to demonstrate the Commonwealth's compliance with the Settlement Agreement if it relates to facts on or after October 15,

2018, and has not been provided to and assessed by the Independent Reviewer and the United States; and

2. Prohibit the introduction or use of evidence to demonstrate compliance with provisions of the Settlement Agreement where that evidence is a compliance determination by the Independent Reviewer that has not been sustained for at least one year.

In further support, the United States refers the Court to the accompanying Memorandum in Support of Motion *In Limine* to Exclude Evidence (Memorandum).

Requested Relief

For the foregoing reasons and those set forth in the accompanying Memorandum, the United States' Motion *in Limine* to Exclude Evidence should be granted.

Respectfully submitted,

Dated: April 18, 2019

FOR THE UNITED STATES:

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CERTIFICATE OF SERVICE

I hereby certify that on the 18 day of April, 2019, I will electronically file the foregoing UNITED STATES' MOTION *IN LIMINE* TO EXCLUDE EVIDENCE with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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